



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,422	07/18/2003	Robby Zeaman	ZEAMAN-1	1750

7590 05/23/2005
Eric A. LaMorte
LaMorte & Associates, P.C.
P.O. Box 434
Yardley, PA 19067

EXAMINER

THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,422

Applicant(s)

ZEAMAN, ROBBY

Examiner

Hugh B. Thompson II

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-29 is/are rejected.
- 7) ☒ Claim(s) 21-24, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

pd

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 12, 17, and 19, the applicant again relies upon "a resistance to sliding". Note that the ladder has to slide on some sort of surface. The applicant fails to define the surfaces to be slid on and the material of which the slide pads or ladder are made, and thus can not rely on differences in "resistance to sliding" between the pads and the ladder rails absent a more defined surface or materials of fabrication. The applicant should rely upon the structure of the slide pad to impart its novelty, and not its relationship to unclaimed properties.

With respect to claims 15 and 16, note that no method steps have been claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15, 18-20, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniels #2,273,124 in view of Mazur #3,623,184. McDaniels discloses a

Art Unit: 3634

sliding ladder assembly comprised of ladder 10 “of any desired general structure”, metal slide pad 15 attached to the lower end of ladder 10 (as opposed to rollers), angled (curved) slide pad edges 18, 19, and slide to ladder rail connections 16, 17. McDaniels fails to disclose slide pads each with a receptacle or receiving fingers for receiving a leg member, and a method to improve mobility.

Mazur teaches the utility of slide pad/skids 10 that can receive legs of tubular members such as furniture or the like, the slide pads having leg receiving receptacles 40 or fingers of block 30, this arrangement allowing for secure receipt of leg members to be slidingly moved across a surface. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the ladder of McDaniels with slide pads having receptacles/fingers for receiving each ladder rail/leg as taught by Mazur, so as to allow for secure receipt of leg members to be slidingly moved across a surface, while producing no new and unexpected results. It would have been further obvious, in view of the structure as advanced above, to improve ladder mobility in the manner as claimed, i.e., providing a ladder, attaching slide pads having receptacles, while producing no new and unexpected results.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al #3,446,309 in view of McDaniels in view of Mazur as applied to claims 12-15, 18-20, 25, 28, and 29 above. Davis et al teach the utility of a stepladder 12 having roller assemblies 10 used to increase mobility of ladder across surfaces. Davis et al fail to disclose a stepladder having slide pads. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the stepladder of Davis et al with slide pads as taught by McDaniels in view of Mazur, so as to provide an alternative to rollers to assist the stepladder with sliding mobility across a surface.

Art Unit: 3634

Allowable Subject Matter

Claims 21-24, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter of claim 21 is the inclusion of the receptacle structure having a vertical support with flexible arms extending therefrom. For claim 23 it is a tubular elastic band extend from the ridge of the receptacle. For claim 26 it is the inclusion of a strap for biasing the fingers toward each other. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gagnon #5,427,342, Allen et al #5,224,506, Shaw #6,761,340, Wurdack #5,802,669, and Holloman #2,717,410 are cited to teach ladder and feet attachments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hugh B. Thompson II
Primary Examiner
Art Unit 3634

May 16, 2005